

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. RON SANDACK

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SEN. BILL BRADY
SEN. KAREN McCONAUGHAY
SEN. TONY MUÑOZ
SEN. MATT MURPHY
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DAVID R. LEITCH
REP. ANDRÉ THAPEDI
REP. MIKE TRYON

MINUTES

July 12, 2016

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, July 12 at 11:00 a.m. in Room 600C of the Michael A. Bilandic Building, Chicago IL. Co-Chair Sandack called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Bill Brady	X Representative Greg Harris
Senator Don Harmon	X Representative Lou Lang
X Senator Karen McConnaughay	Representative David Leitch
X Senator Tony Muñoz	X Representative Ron Sandack
X Senator Matt Murphy	X Representative André Thapedi
X Senator Ira Silverstein	Representative Mike Tryon

APPROVAL OF THE MINUTES OF THE JUNE 14, 2016 MEETING

Senator Murphy moved, seconded by Representative Lang, that the minutes of the June 14, 2016 meeting be approved. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Department of Financial and Professional Regulation – Real Estate License Practice Act of 2000 (68 Ill. Adm. Code 1450; 39 Ill. Reg. 15183)

Representative Thapedi moved, seconded by Senator Muñoz, that JCAR, with the concurrence of the Department of Financial and Professional Regulation, extend consideration of this rulemaking for an additional 45 days. The motion passed unanimously (9-0-0).

Health Facilities and Services Review Board – Health Facilities Services and Review Operational Rules (77 Ill. Adm. Code 1130; 39 Ill. Reg. 16277)

Representative Harris moved, seconded by Senator Silverstein, that JCAR, with the concurrence of the HFSRB, extend consideration of this rulemaking for an additional 45 days. The motion passed unanimously (9-0-0).

Teachers' Retirement System – The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650; 40 Ill. Reg. 6770)

Senator Brady moved, seconded by Representative Harris, that JCAR, with the concurrence of the Teachers' Retirement System, extend consideration of this rulemaking for an additional 45 days. The motion passed unanimously (9-0-0).

AGENCY RESPONSES

Environmental Protection Agency (on Pollution Control Board rulemaking) – Permits (35 Ill. Adm. Code 602; 39 Ill. Reg. 14239)

Due to the appropriateness of the Agency's response, no further action was taken.

Department of Natural Resources – Raccoon, Opossum, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550; 40 Ill. Reg. 1413) and Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570; 40 Ill. Reg. 1430)

Co-Chair Sandack announced that these DNR responses will be considered at the August 9 meeting.

Pollution Control Board – Permits (35 Ill. Adm. Code 309; 39 Ill. Reg. 15103)

Senator Brady moved, seconded by Senator Murphy, that JCAR issue a Notice of Failure to Remedy. The motion passed unanimously (9-0-0).

CONSIDERATION OF OTHER RULEMAKINGS

Department of Healthcare and Family Services – Medical Assistance Programs (89 Ill. Adm. Code 120; 39 Ill. Reg. 10667)

Mollie Zito, General Counsel, represented the Department of Healthcare and Family Services. Corey-Anne Gulkewicz, General Counsel, represented the Department of Human Services.

Representative Harris raised the issue of the personal needs allowance for residents of Intermediate Care Facilities for Persons with Developmental Disabilities (ICF/DD) and Community Integrated Living Arrangements (CILA), which have not changed since 1987 and 1994, respectively, with the exception that the General Assembly amended the Public Aid Code to require a higher allowance for FY 2015. He asked if the Departments believe they have authority to raise these allowances by rulemaking or whether to do so would require legislative action.

Ms Zito: It would take legislative action.

Rep. Harris expressed his concern about asking people to live on \$30/month or \$50/month, and asked whether the Departments would be willing to work with the legislature if a statutory change were necessary.

Ms Zito: We understand your concerns and are happy to take them back to Director Norwood and work with you in the context of a balanced budget.

Rep. Harris asked whether personal needs allowances were covered in Judge Coleman's order to maintain Medicaid status quo at the end of FY15.

Ms Zito: The provider payment remains the same, but the mix between State and client contributions has changed.

Rep. Harris: So is it your opinion that the court order protected only providers and not Medicaid clients?

Ms Zito: That is our understanding of that order. It was to make sure that the providers were paid at the same rates to ensure that the clients had access to these providers.

Rep. Harris: So, in your opinion, neither *Beeks (v. Bradley)* nor *Memisovski (v. Maram)* govern this allowance?

Ms Zito: It would have been *Beeks/Memisovski* – the August 31, 2015 order.

Rep. Harris reiterated his conviction that forcing the most vulnerable persons in our society to live on \$30/month (a level that has not changed since 1987) is wrong. He noted that the last time that the General Assembly considered increasing this allowance, DHS opposed the increase. He expressed his hope that this time the Department would work with the General Assembly to increase that allowance.

CERTIFICATION OF NO OBJECTION

Representative McConnaughay moved, seconded by Representative Thapedi, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued.

The motion passed unanimously (9-0-0), except that Representative Lang voted Present on Tab 40 (*Department of Transportation – Inspection Procedures for Special Vehicles (92 Ill. Adm. Code 438; 40 Ill. Reg. 2449)*).

Chief Procurement Officer for the Capital Development Board – Chief Procurement Officer for the Capital Development Board (44 Ill. Adm. Code 8; 40 Ill. Reg. 6294)

Representative Thapedi moved, seconded by Representative Harris, that JCAR object to this rulemaking.

N Senator Bill Brady
A Senator Don Harmon
N Senator Karen McConnaughay
Y Senator Tony Muñoz
N Senator Matt Murphy
Y Senator Ira Silverstein

Y Representative Greg Harris
Y Representative Lou Lang
A Representative David Leitch
N Representative Ron Sandack
Y Representative André Thapedi
A Representative Mike Tryon

The motion passed 5-4-0.

AUGUST MEETING DATE

Co-Chair Sandack announced that the next monthly meeting of JCAR is scheduled for 11:00 a.m. on Tuesday, August 9, 2016, in Room 600C of the Michael A. Bilandic Building in Chicago IL.

ADJOURNMENT

Senator Muñoz moved, seconded by Senator McConnaughay, that the meeting stand adjourned. The motion passed unanimously.

Min:0716Jul